

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN MARLOWE,

Petitioner,

v.

JENNIFER BOWSER, et al.,

Respondents.

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Civil Action No. 3:15-CV-1774

(Judge Kosik)

ORDER

AND NOW, THIS 16th DAY OF NOVEMBER, 2015, IT APPEARING TO THE
COURT THAT:

[1] Petitioner, Kevin Marlowe, a federal prisoner housed in a half-way house, the Capitol Pavilion, filed *pro se*, the instant petition on September 11, 2015 (Doc. 1), raising concerns regarding the Bureau of Prisons (“BOP”) levying a tax on his travel reimbursement expenses;

[2] The action was referred to Magistrate Judge Martin C. Carlson;

[3] On October 2, 2015, the Magistrate Judge issued Respondents an Order to Show Cause (Doc. 5);

[4] On October 19, 2015, Petitioner filed a response to the order (Doc. 7), in which Petitioner stated, “After filing my petition with this court, the BOP has conceded and stated that they will not levy their tax on this expense. They have returned my money order. This is a wonderful and correct step in settling this petition.”

[5] On October 21, 2015, the Magistrate Judge issued a Report and Recommendation

(Doc. 9), recommending that Marlowe's petition be dismissed as moot in light of Marlowe's letter to the Court, stating that the BOP stopped levying the tax and returned the money order;

[6] Plaintiff has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[7] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

[8] We have considered the Magistrate Judge's report and we concur with his recommendation. We agree that the BOP not levying a tax on Marlowe's travel reimbursement expenses and the return of his money order, eliminates Marlowe's personal stake in the outcome.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated October 21, 2015 (Doc. 9) is **ADOPTED**;

[2] Marlowe's Petition (Doc. 1) is **DISMISSED**; and

[3] The Clerk of Court is directed to **CLOSE** this case and **FORWARD** a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge